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REPORT
TO THE
SAN FRANCISCO BOARD OF SUPERVISORS
MANAGEMENT AUDIT
OF THE
OFFICE OF CITIZEN COMPLAINTS

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BUDGET ANALYST
FOR THE
SAN FRANCISCO BOARD OF SUPERVISORS

May, 1987

**BOARD OF SUPERVISORS****BUDGET ANALYST**

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May 11, 1987

Honorable Willie B. Kennedy
Member, Board of Supervisors
Room 235, City Hall
San Francisco, California 94102

Dear Supervisor Kennedy:

Pursuant to your request, transmitted herewith is the Budget Analyst's management audit report of the Office of Citizen Complaints under the San Francisco Police Commission. This management audit was conducted in accordance with Charter Section 2.401 which authorizes the Board of Supervisors to make inquiries concerning departmental operations.

The purpose of this management audit was to determine whether the Office of Citizen Complaints is operating in the most efficient, effective and economical manner.

A summary of our findings is as follows:

- We found that although the Charter limitation or cap of OCC's budget has been correctly computed in the past, OCC is expected to exceed its cap in fiscal year 1987-88. However, the costs associated with OCC's recent move should no longer be included in the cap computation. These costs are more properly attributable to the Police Department and not to the OCC.
- We determined that each OCC civilian investigator is responsible for handling 158.3 cases per year or nearly 580 percent more than the 23.3 cases which were handled in 1978 by the Police Department's sworn Investigators of the Internal Affairs Division. As a result of this workload, 58 percent of OCC's current active cases are over 90 days old.
- We found that OCC does not use its existing staff as efficiently as possible and that the current complaint review process is unnecessarily time-consuming and unwieldy.
- While we found that OCC's case files have improved in the past year, our review of a sample of the case files maintained by OCC found that there are still serious inadequacies in the case files. For example, certain information is altered, signatures are illegible, correspondence is missing, most files contain no chronology of events, and it is difficult to determine the disposition of cases.

Honorable Willie B Kennedy
Member, Board of Supervisors
May 11, 1987

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- We determined that letters to complainants regarding complaint dispositions do not include sufficient reasons for the dispositions nor are complainants advised of their rights to request hearings. (The Director of OCC includes a new sample form letter in his response to correct this problem.)

In order to correct the deficiencies described in this report, we recommend that:

- The Consumer Price Index continue to be used as the inflation rate for determining the cap on the OCC budget.
- Rent, utilities and security services be budgeted as Police Department overhead and not as part of the OCC budget because OCC's vacancy of Hall of Justice space is of benefit to the Police Department.
- The Police Commission should consider alternatives to increase the number of cases completed in a timely fashion. Such alternatives could include using Police Department sworn personnel to further investigate "minor" complaints that cannot be sustained by the OCC (which, while allowed under Charter Section 3.530-2, is contrary to the intent of civilian complaint review). Using Police Department sworn personnel would provide for completion of more investigations within the Department's existing resources. This would be a policy matter. A second alternative is to amend the Charter-imposed budget limitation on the Office of Citizen Complaints in order to hire additional civilian investigative and support staff to adequately process complaints.
- The Office of Citizen Complaints should reorganize its staff to improve coordination and accountability as further described in our report.
- The proposed funding for "Special Resource People" should be used instead for either as-needed temporary staff or for a new permanent Account Clerk position.
- Case reviews should be conducted weekly by the Director and management staff, with cases presented by the responsible intake investigators.
- Each file should have a history sheet on which to record the chronology of events associated with the file. Copies of all correspondence should be included in the file. All material in the files should be dated, identified as to source where appropriate and signed with full name (not initials). All materials should be fastened into the case folder.
- Investigator's notes which are germane to decisions regarding the case should be included in the file. The present OCC policy is to destroy investigator's working files and not to include notes in the case file.



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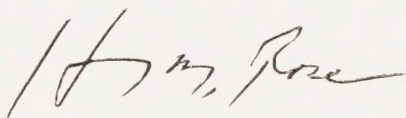
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- OCC should consult with the City Attorney's Office regarding appropriate file contents with respect to possible subpoenas, rather than continue with the destruction of working papers which may be germane to case dispositions.
- Release forms should be filled in completely, signed and witnessed.
- The use of masking fluid and erasable ink on official records should be discontinued.
- Effective immediately, all complainants should be advised in writing of their right to request a hearing when they are notified of the finding in their case. Notifications to complainants of findings should also include more information regarding the reason for the finding.
- The Office of Citizen Complaints should review its complaint investigation procedures with the City Attorney's Office to assure that the rights of both complainants and police officers are recognized and confidential records are accessed and used properly.

Throughout the course of this audit, we received the full cooperation of the Director and the staff of the Office of Citizen Complaints.

The Director of the Office of Citizen Complaints has had an opportunity to review and comment on this report. His response with a letter from the Police Commission is attached to our report on page 38.

Respectfully submitted,



Harvey M. Rose
Budget Analyst

Project Manager: Jean Mariani

cc: President Walker	Clerk of the Board
Supervisor Britt	Mayor Feinstein
Supervisor Gonzalez	John Farrell, Controller
Supervisor Hongisto	Mark Kertz, Deputy City Attorney
Supervisor Hsieh	
Supervisor Maher	
Supervisor Molinari	
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Supervisor Silver	
Supervisor Ward	

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INTRODUCTION

At the request of the Board of Supervisors, the Budget Analyst has conducted a management audit of the Office of Citizen Complaints (OCC) under the San Francisco Police Commission. As part of this management audit, the Budget Analyst's staff interviewed all staff of the Office of Citizen Complaints, the Chief of Police and members of the San Francisco Police Department, the President and Secretary of the Police Commission and representatives of the American Civil Liberties Union, the San Francisco Bar Association and the San Francisco Police Officers Association.

Throughout the course of our management audit, we received the full cooperation of the Director and staff of the Office of Citizen Complaints. We found the OCC staff to be dedicated and knowledgeable about their various functions. We appreciate the openness and interest of the staff and would like to thank them for their cooperation during this audit.

Background

The Office of Citizen Complaints was established by Charter amendment adding Section 3.530-2 in November, 1982. (The text of Charter Section 3.530-2 is included in Appendix A.) The purpose of the Office of Citizen Complaints, a civilian-staffed office, is to "promptly, fairly and impartially" investigate "complaints of police misconduct or allegations that a member of the police department has not properly performed a duty." When a complaint is sustained, the Office shall recommend disciplinary action to the Chief of Police. The Office of Citizen Complaints is also required to prepare monthly summaries of complaints received and quarterly recommendations "concerning policies or practices of the department which could be changed or amended to avoid unnecessary tension with the public or a definable segment of the public while ensuring effective police services." Under the Charter amendment, the Director of the Office of Citizen Complaints is appointed by the Police Commission. The Police Commission is required to "organize, reorganize, and manage" the Office of Citizen Complaints.

The Office of Citizen Complaints currently has 14 budgeted positions and a 1986-87 budget of \$768,455. (The 1986-87 budget is shown in Appendix B.) While OCC is included in the Police Department budget, its budget is appropriated and controlled as if the OCC were a separate department. The attachment on the following pages was recently prepared by OCC as a handout which describes the operations of the office.

Follow Up

Because the Office of Citizen Complaints moved from the Hall of Justice to a building at 555-7th Street in March, 1987, there may be a change in the volume of complaints received by the OCC, as well as differences in the number of complaints made in person or by other means. Therefore, we believe a follow up to this audit report in six months might be useful in order to properly determine the effect of the relocation of the Office.

OFFICE OF CITIZEN COMPLAINTS

555 - 7th Street, San Francisco, California 94103 (415)553-1407

Who We Are

The Office of Citizen Complaints is a civilian-staffed office which was established for the purpose of investigating citizen complaints of alleged misconduct by San Francisco Police Officers, and has been designated by the Police Commission as *The Professional Standards Agency for the San Francisco Police Department*.

Personnel in the OCC are *not* police officers and are not responsible to the Chief of Police. The Director of the OCC is appointed by the Police Commission. The rest of the personnel are appointed by the Director. No employee in the OCC has ever been a San Francisco police officer.

The Office of Citizen Complaints is located at 555 Seventh Street, between Bryant and Brannan, San Francisco, California 94103. Our telephone number is (415)553-1407.

What We Do

- ▲ We investigate citizens' allegations of misconduct by *San Francisco* Police Officers;
- ▲ We recommend that the Chief impose discipline when the results of our investigations indicate that an officer has engaged in misconduct;
- ▲ We hold investigative hearings into complaints when requested by either the complainant or the officer when the Director determines that a hearing would facilitate the fact-finding process;
- ▲ We gather statistics and make reports to the Police Commission which may include recommendations that departmental policy or procedure be changed; and,
- ▲ We keep Police Department Command personnel informed of the patterns of behavior of officers and thereby assist with the training of officers to ensure that such conduct does not recur.

If You Decide to File Your Complaint Without Our Help

If you cannot come into our office, there are several things you must remember to include in your account of what happened:

- ▲ The day, date, time and exact location of the incident;
- ▲ The officer's name, badge number, and physical description;
- ▲ Witnesses names, addresses, and telephone numbers, and license numbers for any vehicles involved in the incident;
- ▲ Any other evidence you feel may be important like copies of citations, photos, medical records, and whether you have injuries.

How and Where to Make a Complaint . . .

- ▲ The most effective way to file your complaint is to come into our office. This will allow our investigators to personally interview you and to do a thorough job of completing the initial, and most important, phase of our investigation of your complaint.
- ▲ You may call the OCC at (415)553-1407 and request that a citizen complaint form be mailed to you. The form may then be returned to our office postage pre-paid.
- ▲ You may call our office 24 hours a day. After hours, in emergencies, our answering service will have an investigator call you immediately. This is especially important in cases of serious misconduct and allegations of unnecessary force where there are serious visible injuries.
- ▲ If you go to a police station, or write a letter to the Chief of Police, Mayor, Member of the Board of Supervisors, Police Commission, or other city official, *you do not have to re-file your complaint with us*. But if you do, *please tell us!* This will avoid unnecessary repetition of paperwork and will expedite the processing of your complaint.
- ▲ You may write a letter describing the conduct you observed.
- ▲ All officers are required to receive citizen complaints. You may go to any of nine District Police Stations which are open and available 24 hours a day.
- ▲ Finally, you may file your complaint by telephone, although this is the least preferred method. You may be asked to come to our office at a later date for a follow-up interview or additional investigation.
- ▲ Within 2 to 3 weeks of filing your complaint, the OCC will notify you of the disposition of your case in writing. It is therefore important that you inform us if you move.

Anonymous Complaints

The Office of Citizen Complaints does receive anonymous complaints. Anonymous complaints will be treated with the same importance as any other complaint; however, the Police Commission has determined that anonymous complaints cannot be sustained without corroborating evidence such as witnesses.

District Police Stations

Central Station
766 Vallejo Street

Southern Station
850 Bryant Street

Potrero Station
2300 Third Street

Mission Station
1240 Valencia Street

Northern Station
841 Ellis Street

Park Station
Stanyan and Waller

Richmond Station
461 Sixth Avenue

Ingleside Station
1 John V. Young Ln

Taraval Station
2345 24th Avenue

MEMORANDUM NUMBER ONE

"Officers of the San Francisco Police Department recognize that it is their duty at all times to act legally and properly; to show compassionate respect for the dignity of the individual and to treat every person of whatever social position, race, creed, or lifestyle with courtesy and respect."

Your Complaint Makes a Difference!

Your complaint goes into the officer's complaint file where it stays for seven years, even if we cannot sustain it. In the event this behavior is repeated, the department can take corrective action to help the officer alter the offending behavior.

We are aware that you feel strongly about your experience or you would not have taken the trouble to register a complaint, but without adequate evidence, we cannot prove all complaints.

The OCC Hearing Process

What Are Hearings?

Investigative Hearings are held following the conclusion of an OCC investigation at the request of either the complainant or of the officer when, in the opinion of the Director, a hearing would facilitate the fact-finding process.

Hearings have been structured to operate in an atmosphere which is as non-adversarial as possible. The legal, technical rules of evidence do not apply; there is no direct or cross examination of witnesses as there would be in court.

The Hearing *is not a court or a substitute for a court of law. A hearing will not affect your legal rights in any way.* The investigative hearing officer, who is not a member of our staff, and who has had no previous contact with your case, will decide only the facts of your case. The facts are then applied to the applicable departmental rules and procedures, by the Director who will then decide whether to sustain the allegations contained in your complaint.

Preparing for Your Hearing

When we have completed a detailed investigation of your complaint, and the investigator has submitted a final report to the Director, a letter will be mailed to you which will indicate our findings.

You will have ten (10) days within which to decide whether you want a hearing, and to submit your request to the Director. The Director will review your request, and if it is granted, we will mail you a notice of the date and time of the hearing.

Should you so desire, you may make an appointment to review the investigator's report in the OCC office. You may make notes, but confidentiality requirements of state law prohibit the making of a copy.

Complainants and officers have the right to have a representative present during all parts of the hearing. Representatives are not mandatory, but you are encouraged to bring one. Your representative may be a friend, family member, an attorney or anyone else who is not a witness in your case.

If you need an interpreter, one can be provided for you at no charge if you advise us as soon as possible before your hearing date.

Should you want a representative, you must procure your own. The OCC will not represent you, recommend a representative, or present any evidence at the hearing.

It is important that you attend your hearing, even if you did not request it. Your absence may cause evidence to be lost which could completely change the outcome of your case.

I. BUDGET ISSUES

ALTHOUGH THE CHARTER LIMITATION OR CAP OF OCC'S BUDGET HAS BEEN CORRECTLY COMPUTED IN THE PAST, OCC IS EXPECTED TO EXCEED ITS CAP IN FISCAL YEAR 1987-88. HOWEVER, THE COSTS ASSOCIATED WITH OCC'S RECENT MOVE SHOULD NO LONGER BE INCLUDED IN THE CAP COMPUTATION. THESE COSTS ARE MORE PROPERLY ATTRIBUTABLE TO THE POLICE DEPARTMENT ITSELF AND NOT TO THE OCC.

60 Percent Cap

Charter Section 3.530-2 provides that "The annual appropriations for all costs of the office of citizen complaints shall not exceed 60 percent of the costs incurred by the police department internal affairs bureau for the fiscal year ending June 30, 1981, adjusted annually thereafter for inflation." This 60 percent "cap", as it is commonly referred to, was based on the actual costs of positions in the Internal Affairs Bureau (IAB) for fiscal year 1980-81 with an estimate of costs for use of vehicles, telephones and copy machine rental, data processing and materials and supplies. The inflation rate used by the Controller to annually adjust the OCC budget is based on the average increase in the Consumer Price Index (CPI) during the calendar year preceding the budget (fiscal) year. For example, the inflation rate for the 1987-88 fiscal year would be determined by calculating the average CPI increase during the 1986 calendar year. According to the Controller's Office, this methodology is the same as that used by the City Employees' Retirement System in determining its pension adjustments. For 1986-87, the cap for OCC is \$817,570. The 1986-87 OCC budget is \$768,455, or \$49,115 less than the cap amount. This 1986-87 OCC budget is 56 percent of the Internal Affairs Bureau budget adjusted for inflation.

The OCC Director has suggested that rather than using CPI, the Controller's Office use the average increase for salary standardization as the inflation rate for calculating the amount of the cap. However, a comparison of increases in the OCC cap using the CPI rate with the increases in salary standardization for uniformed Police Officers for the same time period indicates no significant difference as follows:

	<u>1980-81</u> <u>(Base Year)</u>	<u>1986-87</u> <u>(Current Year)</u>	<u>%</u> <u>Difference</u>
OCC Cap	\$533,727	\$817,570	53.18%
Q-2 Police Officer Annual Top Step Salary	\$23,647	\$36,149	52.87%

In fact, if the OCC cap were based on uniform Police salary standardization, there would be a reduction of \$1,662, from \$817,570 to \$815,908, for 1986-87. Further, the Controller's Office reports that the average increase in salaries, wages and fringe benefits for all City employees over the last eight years has been approximately 6.5 percent per year, or approximately 39 percent between 1980-81 and 1986-87. This is considerably less than the CPI increase in the same time period.

Salaries

In a memorandum to the Finance Committee in February, 1983, the Budget Analyst reported that budgeting all OCC positions at top step would exceed the cap and "Thus, the authorized staffing for the OCC as proposed could eventually require that certain positions not be filled or that other expenses be reduced in order to meet Charter-mandated budget limitations." While OCC has not yet exceeded its cap and in fact is budgeted at less than the Charter - allowed maximum, it is possible that within several years, OCC will be over its cap, which would require either expenditure reductions or a Charter amendment to change the cap formula. For 1986-87, \$611,720 was budgeted for salaries and related mandatory fringe benefits. This amount represents approximately 75 percent of the 1986-87 cap. If all positions were budgeted at the top step, the total salary and benefit cost would be \$656,414, or 80 percent of the cap. As employees receive step increases over the next several years, more of the amount allowed will be spent on salaries and related mandatory fringe benefits, leaving less funds for operating expenses. Following is a list of current position classifications and salaries:

1986-87 Salaries by Position Classification

<u>Class and Title</u>	<u>1986-87 Biweekly Salary</u>	<u>1986-87 Annual Salary</u>
8128 Director, OCC	\$1,698 - \$2,063	\$44,318 - \$53,844
8127 Chief Investigator, OCC	1,421 - 1,723	37,088 - 44,970
8124 Investigator, OCC	1,243 - 1,506	32,442 - 39,307
1408 Principal Clerk	846 - 1,022	22,081 - 26,674
1426 Sr. Clerk Typist	704 - 850	18,374 - 22,185
1444 Secretary	668 - 807	17,435 - 21,063
1823 Sr. Administrative Analyst	1,401 - 1,698	36,566 - 44,318

Based on its proposed 1987-88 budget at full strength, OCC would exceed its 60% cap. To the extent that there is turnover and therefore, vacancies, salary savings will be accumulated which should maintain operations at expenditure rates below the cap. A more problematical concern than the effect of the cap on budgeted salaries of existing positions is the understaffing of the Office relative to the number of complaints (discussed in Section II, Complaint Investigation and Staffing). To the extent that the 60 percent cap limits investigations of complaints, it can impair the effectiveness of the Office.

Operating Costs

Since March, 1987, when OCC moved into new offices at 555 - 7th Street, it has incurred additional costs related to the new offices (primarily rent and utilities). These costs were not anticipated when OCC was established, nor did the Internal Affairs Bureau base year budget used in computing the OCC budget include such costs. Rather, these costs were included as overhead in the Police Department's budget. The City Attorney's Office advised that the Controller's Office could recompute the IAB base budget and include the increased costs for office space so that the OCC budget cap will increase based on such adjusted costs of the IAB. The Controller's Office reports that such a recomputation would only provide an estimate of costs which might have been attributed to the IAB. Instead, because the Police Department now occupies OCC's space in the Hall of Justice, the Controller's Office has concluded that the OCC move was for the convenience of the Police Department and therefore such rental, utility and related costs associated with OCC's new offices should be paid by the Police Department

and not attributed to OCC. The City Attorney's Office concurs with the Controller's Office in this recommendation. For 1987-88, the estimated additional operating costs due to the new space are as follows:

	<u>1987-88 Estimate</u>
Rent (@ \$4,478 per month)	\$53,736
PG&E	8,000
Refuse	2,410
Security (Electronic)	3,000
Security (Physical-Guards)	10,970
Total	<u>\$78,116</u>

Funding for these costs should be disassociated from the 1987-88 OCC budget and shown instead as Police Department overhead costs in the same manner as such costs of the IAB were shown in the Police Department's overall budget.

RECOMMENDATIONS

We recommend that:

- The Consumer Price Index continue to be used as the inflation rate for determining the cap on the OCC budget.
- That rent, utilities and security services be budgeted as Police Department overhead and not as part of the OCC budget because OCC's vacancy of Hall of Justice space is of benefit to the Police Department.

SAVINGS/BENEFITS

To the extent that the costs associated with OCC's new offices are not included in its budget, OCC could remain within its Charter-mandated budget limitations and potentially use additional funds for more investigative staff as discussed in the following section. (Section II also recommends consideration of amending the Charter to change the cap and allow hiring more investigators to adequately process complaints in a more timely fashion.)

II. COMPLAINT INVESTIGATION AND STAFFING

EACH OCC CIVILIAN INVESTIGATOR IS RESPONSIBLE FOR HANDLING 158.3 CASES PER YEAR OR NEARLY 580 PERCENT MORE THAN THE 23.3 CASES WHICH WERE HANDLED IN 1978 BY THE POLICE DEPARTMENT'S SWORN INVESTIGATORS OF THE INTERNAL AFFAIRS DIVISION. AS A RESULT OF THIS WORKLOAD, 58% OF OCC'S CURRENT ACTIVE CASES ARE OVER 90 DAYS OLD.

Complaint Investigation

In 1986, OCC processed 1,535 cases of which 1,267 were classified as complaints and the remaining 268 cases were information only (either not involving sworn San Francisco Police Department officers or containing allegations which were considered "clearly indicative of a disturbed mental state"). Of the 1,267 complaints, 162 cases were assigned to "detailed" investigations. According to the Police Department General Order No. L-1 (included as Appendix C of this report), while all complaints are subject to "directed" (preliminary) investigations, which consists of "the collection and review of basic case-related material," "detailed" investigations are only conducted when "there is sufficient evidence to proceed." Because many complaints are "one-on-one," that is, a complainant reports on an incident involving one police officer with no witnesses, in general, OCC's directed investigations merely determine that the complaint is the complainant's word against the police officer's and the case is given a finding of "not sustained" because of insufficient evidence. In a Briefing Paper on Citizen Complaint Review Boards prepared by the New York City Mayor's Advisory Committee on Policy Management and Personnel Policy, the Committee noted that "Regardless of the intensity of investigation, most citizens' allegations cannot be definitely resolved one way or the other. (In most cases 3 bits of information are available: (1) Citizen's allegation that he was wronged by an officer, (2) officer's denial of the charge against him, and (3) investigator's conclusion that there exists little or no objective evidence to support or refute the citizen's charge.)" "One-on-one" investigations are very difficult even when investigators have the resources to look for witnesses or other corroborating information. Given the lack of available investigative staff at OCC, there is insufficient field work performed in investigating "one on-one" cases which might yield witnesses or other information.

Because of the small number of investigators relative to the number of complaints and active cases, timely completion of cases is a continuing problem. Of 113 active cases on March 19, 1987, 66 cases, or 58 percent, were over 90 days old. This conflicts with OCC's stated goal to complete detailed investigations within 90 days. Given the lack of staff, the OCC should consider establishing formal standards and guidelines for prioritizing complaint investigation. For example, complaints in San Diego and in Kansas City are categorized, with "major" complaints classified as Category I complaints and "minor" complaints as Category II. Following are the types of complaints classified as Category I in the two jurisdictions.

<u>Category I Complaints</u>	<u>San Diego</u>	<u>Kansas City</u>
Excessive Force	X	X
Discrimination	X	
False Arrest	X	
Criminal Conduct	X	
Abuse of Authority		X
Discourtesy		X
Ethnic Slurs		X

The OCC should consider establishing similar priority categories for its complaints (currently "excessive force" is specially identified). Unless the cap is removed, it may become necessary to report "minor" complaints which cannot be sustained to the Police Commission which could then ask for additional review by Police Department sworn personnel (similar to previous practices of Internal Affairs before establishment of the Office of Citizen Complaints).

Staffing

The Office of Citizen Complaints was originally established with 14 positions and currently consists of 14 budgeted positions. During 1985-86, an additional position (1818 Management Information Systems Specialist II) was added for a total of 15 positions but in 1986-87, a Senior Investigator position was deleted, reducing the total number of investigators from nine to eight. Following is a recapitulation of the OCC's positions by classification and fiscal year since its inception.

Number of Positions by Class and Fiscal Year

<u>Class and Title</u>	<u>1982-83</u>	<u>1983-84</u>	<u>1984-85</u>	<u>1985-86</u>	<u>1986-87</u>
8128 Director, OCC	1	1	1	1	1
8127 Chief Investigator, OCC	-	-	-	-	1
8126 Sr. Investigator, OCC	2	2	2	2	-
8124 Investigator, OCC	7	7	7	7	7
Subtotal	10	10	10	10	9
1408 Principal Clerk	1	1	1	1	1
1426 Sr. Clerk Typist	1	1	1	2	2
1430 Transcriber Typist	1	1	-	-	-
1444 Secretary I	-	-	1	1	1
1446 Secretary II	1	1	1	-	-
1818 MIS Specialist II	-	-	-	1	-
1823 Sr. Administrative Analyst	-	-	-	-	1
Totals	14	14	14	15	14

As can be seen, while administrative and support staff have increased, investigative staff have decreased over time.

Comparison with Former Internal Affairs Operations

A management audit of the Police Department conducted by the Budget Analyst in 1980 included a review of the Department's Internal Affairs Division (referred to in Charter Section 3.530-2 as the Internal Affairs Bureau). At that time, the Internal Affairs Division (IAD) consisted of 16 sworn personnel and four clerical staff. In 1978, according to the Budget Analyst's audit report, there were 1,304 complaints against Department personnel. Of these complaints, only 373 or approximately 29 percent were handled and investigated by IAD staff; the remaining 931 (71 percent) were assigned to other units of the Police Department for investigation. Therefore, 16 investigative staff were responsible for 373 complaints and related investigations (approximately 23.3 cases per person per year). In contrast, in 1986, OCC, with eight investigative staff (excluding the Director) was responsible for 1,267 complaints and related investigations (approximately 158.3 cases per person). Because OCC does not assign any of its complaints to other parties, all 1,267 complaints were handled by the eight investigative staff without delegation. OCC's workload is nearly 580 percent greater than that of IAD when it was in existence. A 50 percent increase in investigative staff (from the current eight to 12) would reduce the number of claims processed per person from approximately 158.3 to 105.6, based on 1986 statistics. This is still over 353 percent greater than the 23.3 cases per person processed by the IAD in 1978. Clearly, the investigative functions of the OCC are severely hampered by its Charter-imposed staffing limitations.

RECOMMENDATIONS

- The Police Commission should consider alternatives to increase the number of cases completed in a timely fashion. Such alternatives could include using Police Department sworn personnel to further investigate "minor" complaints that cannot be sustained by OCC (which, while allowed under Charter Section 3.530-2, is contrary to the intent of civilian complaint review). Using Police Department sworn personnel would provide for more investigations within the Department's existing resources. This would be a policy matter. A second alternative is to amend the Charter-imposed budget limitation on the Office of Citizen Complaints in order to hire additional civilian investigative and support staff to adequately process complaints.

COSTS/BENEFITS

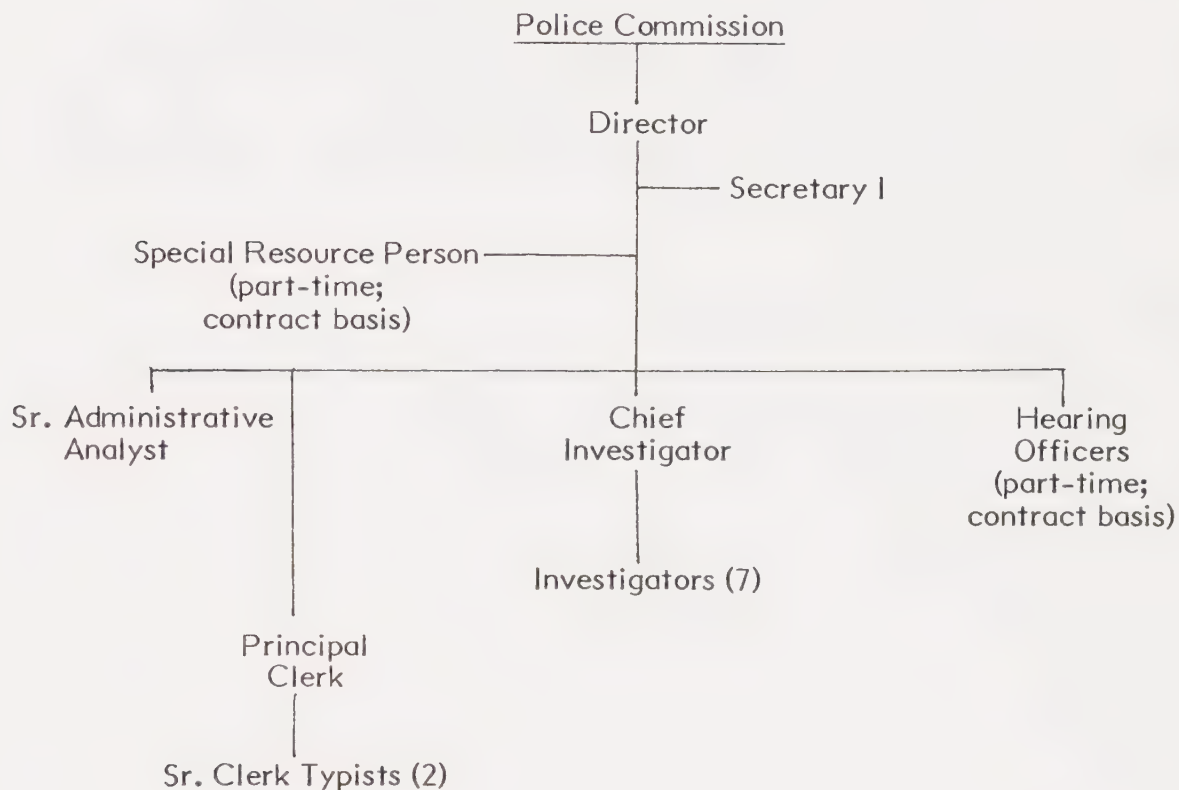
Increasing the number of civilian investigators would increase the number of cases completed and would make OCC a more effective civilian review organization. The estimated cost of a 50 percent increase in civilian investigative staff is approximately \$200,000 annually, which would bring OCC's budget above its Charter-mandated cap. Alternatively, the Police Department could use existing sworn personnel to further investigate minor complaints that cannot be sustained by OCC. This would not result in increased costs but would result in a reduction in the number of uniform personnel used for other police activities, which would be a policy matter.

III. ORGANIZATIONAL STRUCTURE AND CASE MANAGEMENT

OCC DOES NOT USE ITS EXISTING STAFF AS EFFICIENTLY AS POSSIBLE. THE CURRENT COMPLAINT REVIEW PROCESS IS UNNECESSARILY TIME-CONSUMING AND UNWIELDY.

Current Organizational Structure

Based on our review of the OCC operations and on discussions with staff of the Office of Citizen Complaints, following is an organizational chart which represents current staffing.



Investigative Staff

Currently, one Investigator is responsible for coordination of hearings; one Investigator, the Senior Administrative Analyst and the Chief Investigator currently comprise the Case Review Committee, which is responsible for oversight and quality control of complaint investigations. All investigators, including the Chief Investigator, who is responsible for day-to-day operations at OCC, carry caseloads of varying sizes. The present structure results in an uneven assignment of cases and other tasks. Since the establishment of the Case Review Committee in October, 1986, between one and three investigators are assigned to review cases in addition to taking complaints and conducting investigations. Other tasks have included hearing coordination, preparation of the newsletter and other public relations, compilation and development of procedures, etc. While these tasks are important to the organization, they reduce the amount of

time available for investigations. In order to utilize existing investigative staff more effectively, the seven existing investigator positions should be split into two teams. Each team would be assigned activities in one of the following two ways:

1. Alternating Weeks: One team would be responsible for all intakes in a one-week period with the second team responsible on alternate weeks. In this way, three investigators would be available and responsible for in-office activities with some flexibility for investigations while the second team could concentrate on field investigations and report writing. The second team would also be responsible for on-call at night and on weekends. This system would alleviate some of the distractions and interruptions which currently occur.
2. A. M./P.M. Shifts: Under this system, one team covers morning intakes in the office and can use the afternoon for investigations, field work and reports. The second team covers afternoon intakes, using morning hours for other work. Investigators are assigned on-call duties on a rotational basis.

Under either system, a three-person investigative team has the flexibility to prioritize its activities and coordinate its use of staff resources. Both teams would formally report to the Chief Investigator and Director at weekly Case Review Committee meetings. Should one team receive a large number of complaints relative to the other team's caseload, management staff could reassign cases to equalize workload.

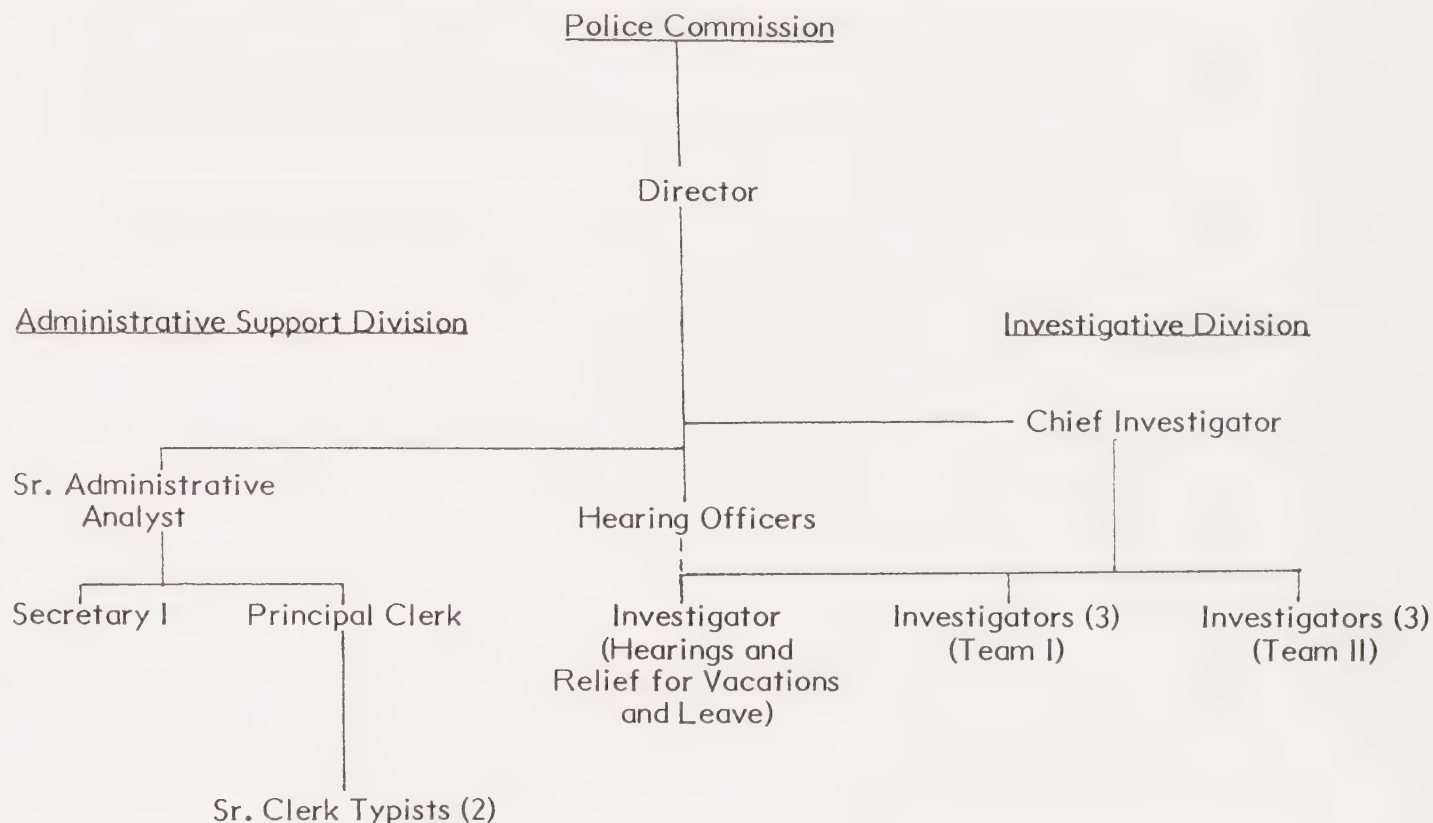
Administrative Support Staff

The current organizational structure does not use all the Office's available staff resources in the most efficient manner. For example, the clerical work, which includes telephone and counter reception and extensive data entry is managed primarily by the Principal Clerk while the Secretary I works directly for the Director as well as coordinating materials for hearings. The four clerical support positions have varying responsibilities, with many distractions due to the types of record keeping and the volume of telephone calls. Prior to moving to 555-7th Street, OCC also had two clerical positions on loan from the Police Department, one for hearings and one for the heaviest typing. Those responsibilities have now shifted back to the four OCC clerical staff. Investigators are required to do their own typing, although they do not have terminals at their desks but rather in a separate "quiet" room. Because of the large number of complaints for processing, the clerical staff is extremely busy. OCC also collects and analyzes data regarding complaints and has developed a management information system to allow compilation of a variety of reports, including daily "Monitoring Reports" listing officers identified in complaints received the previous day and monthly "Early Warning Reports" listing officers with frequent complaints. These reports are distributed within the Police Department. Clerical and administrative support staff are also involved in this data compilation.

During 1986-87, the Director has used a portion of the funds for hearing officers to contract with a part-time "Special Resource Person" who has functioned as an assistant to the Director, particularly regarding budgeting, purchasing and similar activities. Civil Service Commission staff have advised OCC that this contractual arrangement is inappropriate and that either a Civil Service position should be budgeted or the services should be requested as a Proposition J contract. However, based on a review of administrative and clerical functions, the estimated \$20,000 requested in 1987-88 for a contract for "Special Resource People" should be used either for as-needed temporary clerical and investigative staff or for a permanent Account Clerk position (\$661 to \$800 biweekly; \$17,252 to \$20,880 annually).

Recommended Organizational Structure

Given existing staff levels, a more efficient organizational structure would establish an Administrative Support Division and an Investigative Division, with managers reporting directly to the Director. The following organizational structure would provide more flexibility and a better deployment of scarce personnel.



Under this organization, all administrative support services would be the responsibility of one position; all investigative staff would continue to report to the Chief Investigator. This organization provides improved coordination and lines of communication with clearer accountability.

Case Management

The current OCC procedures for processing cases are as follows:

- Complainants are interviewed and an OCC Complaint Form 293 (Appendix D) is completed.
- The intake investigator collects the following information (directed investigation phase):

a completed "solvability" analysis which assigns points to the type of facts contained in the complaint

incident, field interview and other relevant printouts

criminal history record printout (complainant and witnesses)

a 'J' Query (officer name, star number) printout

a printout showing runs and responses by the officer at the time of the alleged incident

a copy of the incident report narrative

- OCC policy is that all identified witnesses must be contacted during the directed investigation with at least two calls made on different days. Dates and times of attempted contacts are noted in the case materials; if visits are made, the dates and times are also noted.
- Completed cases are sent to a Case Review Committee (CRC) which currently consists of the Chief Investigator, Administrative Analyst and one Investigator. The Case Review Committee reviews all cases and verifies completeness by checking that all required documentation is included. If a case is judged to be complete the Committee assigns dispositions to each allegation and forwards the case for final processing or to detailed investigation. If items are missing, if revisions or corrections are needed, or if there is need for additional information (short of a detailed investigation) the Committee can return the case to the investigator for additional work.

While the Case Review Committee (CRC) process is important, it is also time-consuming because it requires a complete review of all documents. In some instances, the intake investigator's recommendation for disposition does not include reasons, and, if the intake investigator is not available for questioning, CRC members spend valuable time reviewing documents to determine the intent of the recommendation. A more efficient case review process would involve the intake investigators in their case presentations before a committee which includes the Chief Investigator and the Director. If the recommended organizational structure were implemented, each investigative team could meet weekly with management staff for case reviews. This would provide for more efficient use of existing investigators and would provide a more formally organized management oversight of investigative staff. Also, using investigative team meetings for case reviews could assist in case assignments and prioritization of investigative work. Currently, caseloads vary from six detailed cases to 26 detailed cases per investigator, with an average of 14 detailed cases assigned to each investigator. These cases are in addition to intakes, directed investigations or special assignments. Using investigative teams could provide for more cooperative work on cases, which could help in clearing backlogs. Weekly staff meetings with management could also assist in staff evaluations and address problems as they occur rather than after the fact.

RECOMMENDATIONS

- The Office of Citizen Complaints should reorganize its staff to improve coordination and accountability in accordance with the proposed organizational structure described above.
- The proposed funding for "Special Resource People" should be used instead for either as-needed temporary staff or for a new permanent Account Clerk position.

- Case reviews should be conducted weekly by the Director and management staff, with cases presented by the responsible intake investigators.

BENEFITS

Reorganization of investigative and administrative support staff would improve the efficiency and effectiveness of the existing organization while providing for maximum utilization of existing staff. Using investigative teams will allow a more equitable allotment of cases and provide a more organized oversight of investigators' work by management staff through a revised case review format.

IV. RECORD KEEPING

THE CASE FILES MAINTAINED BY OCC ARE INADEQUATE. FOR EXAMPLE, CERTAIN INFORMATION IS ALTERED, SIGNATURES ARE ILLEGIBLE, CORRESPONDENCE IS MISSING, MOST FILES CONTAIN NO CHRONOLOGY OF EVENTS, AND IT IS DIFFICULT TO DETERMINE THE DISPOSITION OF CASES.

A review of a sample of case files for February, 1986 and February, 1987 revealed serious shortcomings in record keeping, although there was improvement in the 1987 files as compared to the 1986 files reviewed. Following is a summary of problems identified in the sample of case files by year:

	<u>1986</u>	<u>1987</u>
- One file folder contained nothing except an almost-blank form with no identifying information.	X	
- Correspondence in one file belonged in another.	X	
- Material in files is not fastened to folder nor is there any order or sequence for filing information in folders.	X	X
- Case dispositions are not always signed or dated.	X	
- Reasons for findings are not included in the files.	X	X
- Frequently, reports are initialled rather than signed; signatures where they do occur are often illegible.	X	X
- Notations in some files are made in pencil.	X	
- Correspondence, written material and other documents are not always identified as to source, case number or date, so that origin of documents is not always clear.	X	X
- Not all correspondence is included in each file.	X	X
- Some files contain signed release forms (authorizing OCC to request medical or other records) which are blank except for the complainant's signature and are not witnessed.		X
- Some files contain several copies of the same form but with different or incomplete notations. It is difficult to identify the "original."	X	X
- With few exceptions, there are no investigator's notes in the files, so that the disposition of a case cannot be determined by reviewing the file.	X	X

	<u>1986</u>	<u>1987</u>
- Almost no files contained a chronology or history sheet listing the activities related to the complaint investigation.	X	X
- Information in the files is altered with masking fluid.	X	X
- The format of the complaint form provides for the complainant's signature at the end of the form, although notations are frequently added above the signature line after the complainant signs and returns the form. Such notations are rarely identified or dated. (A copy of the complaint form is included as Appendix D.)	X	X
- Three cases had findings of "not sustained" due to "proper conduct." According to General Order L-1, (see Appendix C), "not sustained" means there is insufficient evidence to prove or disprove an allegation while "proper conduct" means the evidence proves the incident occurred but the police officer's act was justified. These findings, therefore, are contradictory.		X

In reviewing the case files, there is almost no information in the file which permits an outside auditor to determine how a disposition is recommended. This is inappropriate and casts doubts on the conclusions in the files. In a memorandum dated November 10, 1986, an OCC investigator recommended destruction of working files for the following reason:

"As complainants are increasingly becoming litigants, many of them in federal courts pursuant to 42 U.S.C. 1983 (deprivation of rights under color of authority), our files are being subpoenaed by claimant's attorneys. Unlike state courts, the federal courts require the originals of everything -- including work-product. The possibility that a working file may be subpoenaed--and ordered produced by the court--greatly out-weighs any justification for keeping the working file around."

While the 1987 files still presented some of the problems identified in the 1986 files reviewed, the 1987 files were for the most part, more complete and better organized, so that the Office's filing system has improved in the past year. However, there are still serious inadequacies in the case files maintained by OCC.

RECOMMENDATIONS

- Each file should have a history sheet on which to record the chronology of events associated with the file.
- Copies of all correspondence should be included in the file. At present, some materials, such as letters to police officers are not always included in the case file.
- Investigator's notes which are germane to decisions regarding the case should be included in the file. The present OCC policy is to destroy investigator's working files and not to include notes in the case file.

- OCC should consult with the City Attorney's Office regarding appropriate file contents with respect to possible subpoenas, rather than continue with the destruction of working papers which may be germane to case dispositions.
- All material in the files should be dated, identified as to source where appropriate and signed with full name (not initials).
- All materials should be fastened into the case folder.
- Release forms should be filled in completely, signed and witnessed.
- The use of masking fluid and erasable ink on official records should be discontinued (see following page for copy of OCC policy dated April 15, 1987).

BENEFITS

Proper maintenance of case records would assist in documenting complaints and monitoring the behavior of police officers cited by complainants.

TO :All Staff
FROM :Frank Schober, Director
DATE :April 15, 1987
RE :Use of White-Out and Erasable Pens

Frank J. Schober

Ms. Jean Marinari brought to my attention the fact that correction fluid is being used to make changes to official records and that this is a practice which causes auditors' to have "nightmares." I agree. Henceforth please do not use correction fluid to make alterations on any document which is a part of the office's legal records. Instead, please strike the erroneous entry using an indelible ink pen and then clearly initial the change. Rough drafts and other material that are your personal work products need not be subject to this practice. In a related matter, Allen Houston noted that many of our pens are of the erasable variety and, to be safe, we shouldn't use them in completing official documents.

Since the forms are somewhat cramped, the best way to avoid extremely messy documents is to take extra care to do it right the first time, otherwise strike with pen and initial. Please put this memo in your policy files.

V. NOTIFICATIONS TO COMPLAINANTS

LETTERS TO COMPLAINANTS REGARDING COMPLAINT DISPOSITIONS DO NOT INCLUDE SUFFICIENT REASONS FOR THE DISPOSITIONS NOR ARE COMPLAINANTS ADVISED OF THEIR RIGHTS TO REQUEST HEARINGS.

Charter Section 3.530-2 provides that the Director of OCC "shall schedule hearings before hearing officers when such is requested by the complainant or member of the department and. . . such a hearing will facilitate the fact finding process." While hearings can be requested, the Director has the authority to determine whether hearings are held. In 1986, OCC held 17 hearings. In testimony before the Board of Supervisors Human Services Committee (March, 1987), in newsletters and memoranda, OCC staff have repeatedly stated that forms and letters would be revised to inform complainants of their right to request a hearing. As recently as April 17, 1987, letters advising complainants of case dispositions still do not make any mention of hearings. This directly contradicts OCC's public statements regarding their notification policy.

In addition, letters to complainants advising that their complaint is not sustained state only that "we were not able to acquire sufficient evidence to proceed" and request the complainant to contact OCC "If in the near future, you are able to present us with additional relevant evidence. . . ." The form letter does not specify what sufficient or relevant evidence might be. The reasons for findings such as "not sustained" should be stated in the notification letter so that complainants understand why their complaint is not upheld.

It is routine practice for OCC staff to request a complainant's criminal record and include that in the case file. This record is sometimes used to determine the credibility of the complainant and may affect determinations regarding case disposition. This may violate complainants' rights because they are not advised that their criminal record and those of persons they identify as witnesses are accessed.

RECOMMENDATIONS

- That, effective immediately, all complainants be advised in writing of their right to request a hearing when they are notified of the finding in their case.*
- That notifications to complainants of findings include more information regarding the reason for the finding.*
- That the Office of Citizen Complaints review its complaint investigation procedures with the City Attorney's Office to assure that the rights of both complainants and police officers are recognized and confidential records are accessed and used properly.

*The OCC Director includes a new sample form letter in his response to correct these problems.

APPENDICES

TEXT OF CHARTER SECTION 3.530-2

3.530-2 Office of Citizen Complaints

The police commission shall have the power and duty to appoint a director of the office of citizen complaints who shall hold office at its pleasure. The appointment shall be exempt from the civil service requirements of this charter. The director shall never had been a uniformed member or employee of the department. The director of the office of citizen complaints shall be the appointing officer under the civil service provisions of this charter for the appointment, removal or discipline of employees of the office of citizen complaints.

The police commission shall have the power and duty to organize, recognize, and manage the office of citizen complaints. Subject to the civil service provisions of this charter, the office of citizen complaints shall include investigators and hearing officers. No full-time or part-time employee of the office of citizen complaints shall have previously served as a uniformed member of the department. Subject to rule of the police commission, the director of the office of citizen complaints may appoint part-time hearing officers who shall be exempt from the civil service requirements of this charter. Compensation of said hearing officers shall be at rates recommended by the police commission and established by the board of supervisors or by contract approved by the board of supervisors.

Complaints of police misconduct or allegations that a member of the police department has not properly performed a duty shall be promptly, fairly, and impartially investigated by staff of the office of citizen complaints. The office of citizen complaints shall investigate all complaints of police misconduct or that a member of the police department has not properly performed a duty, except those complaints which on their face clearly indicate that the acts complained of were proper and those complaints lodged by other members of the police department. The office of citizen complaints shall recommend disciplinary action to the chief of police on those complaints that are sustained. The director of the office of citizen complaints shall schedule hearings before hearing officers when such is requested by the complainant or member of the department and, in accordance with rules of the commission, such a hearing will facilitate the fact-finding process.

Nothing herein shall prohibit the chief of police or a commanding officer from investigating the conduct of a member of the department under his or her command, or taking disciplinary or corrective action, otherwise permitted by this charter, when such is warranted; and nothing herein shall limit or otherwise restrict the disciplinary powers vested in the chief of police and the police commission by other provisions of this charter.

The office of citizen complaints shall prepare in accordance with rules of the police commission monthly summaries of the complaints received and shall prepare recommendations quarterly concerning policies or practices of the department which could be changed or amended to avoid unnecessary tension with the public or a definable segment of the public while insuring effective police services.

In carrying out its objectives the office of citizen complaints shall receive prompt and full cooperation and assistance from all departments, officers, and employees of the city and county. The director of the office of citizen complaints may also suggest and the chief of police shall require the testimony or attendance of any member of the police department to carry out the responsibilities of the office of citizen complaints.

The annual appropriations for all costs of the office of citizen complaints shall not exceed 60 percent of the costs incurred by the police department internal affairs bureau for the fiscal year ending June 30, 1981, adjusted annually thereafter for inflation. (Added November, 1982)

Office of Citizen Complaints
1986-87 Budget

<u>Category</u>	<u>1986-87 Budget</u>	<u>Expenditures to Date (4/17/87)</u>	<u>Remaining Balance</u>
Personal Services	\$468,841	\$311,732	\$157,109
Overtime	8,621	3,547	5,074
Mandatory Fringe Benefits	134,258	82,391	51,867
Contractual Services	103,925	--	--
- Professional Services Contracts (Hearing Officers & Special Resource Person)		38,941	
- Travel		1,636	
- Training		2,777	
- Telephone		1,066	
- Copy Machine		3,916	
- Subscriptions		216	
- Printing (Outside)		4,166	
- Other Contractual Services		713	
Subtotal	\$103,925	\$53,431	\$50,494
Materials & Supplies	10,875	3,808	7,067
Computer Equipment	21,010	0	21,010
Services of Other Departments	20,925	--	--
- Police Security		5,924	
- Purchasing		780	
- Printing		4,999	
Subtotal	\$ 20,925	\$ 11,703	\$ 9,222
Totals	\$768,455	\$466,612	\$301,843

SAN FRANCISCO POLICE DEPARTMENT

DEPARTMENT GENERAL ORDER
CONTROL CODE (86-30)
W/03520

ORDER NO. L-1
11/26/86

Index as: Citizen Complaints
Complaints, Citizen

CITIZEN COMPLAINTS AGAINST SWORN MEMBERS

The purpose of this order is to set forth procedures for the receipt, investigation, and disposition of allegations made against sworn members of the Department.

I Policy

- A. It is the policy of the Department to encourage citizens to bring forward grievances regarding inadequate police service or official misconduct by members of the Department and that such complaints be received by members with courtesy and without delay.
- B. It is the policy of the Department that both sworn and non-sworn members cooperate fully with Office of Citizen Complaints (OCC) staff members in their investigation of citizen complaints. Furthermore, members shall provide full assistance in the expeditious and impartial processing of citizen complaints consistent with this order.

II. Receipt of Complaints

- A. Citizen complaints of official misconduct involving sworn members of the Department whether received by letter, telephone, or in person shall be accepted by any member of the Department. The member accepting the complaint shall immediately refer the matter to the senior-ranking officer on duty in the station, division, or section where the complaint is being made, who shall be responsible for the immediate preparation of a Citizen Complaint Form, SFPD/OCC 293.

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- B. The senior-ranking on duty officer in a district, division, or section to whom a citizen's complaint against a member is given or referred shall:
1. Prepare a Citizen Complaint Form, SFPD/OCC 293 if the complaint is against a sworn member.
 2. Advise the citizen that his or her complaint will be referred to the Office of Citizen Complaints for investigation.
 3. Remain personally responsible for the conduct of matters until relieved of responsibility as set forth in this order.
 4. Evaluate the seriousness of the allegation to ascertain whether an immediate initial administrative investigation should proceed.
 - a. The criterion requiring an immediate investigation at a district, division, or section level in addition to the investigation which will be conducted by the OCC is that any investigation will be jeopardized by a delay.

Examples:

- (1) The conduct complained of is still being committed at the time the complaint is being made.
- (2) The complaint alleges unfitness of an on-duty member to perform police duty.
- (3) There is a possibility that a witness will be unavailable later if the investigation is delayed.
- (4) The allegation if proved constitutes criminal conduct on the part of a member, whether on or off duty.
- (5) The complaint is that unnecessary force was employed and there was a serious injury for which medical treatment was rendered.

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b. The senior-ranking on-duty officer in cases requiring an immediate initial investigation shall, if the member complained of is a member of his unit, prepare an initial investigatory report in addition to the SFPD/OCC 293 addressed to his commanding officer before reporting off duty.

(1) The initial investigatory report shall contain such information as can reasonably be obtained before the senior-ranking officer reports off duty.

Examples:

- (a) Full identification of all witnesses
- (b) Summary statements from all witnesses
- (c) Preliminary findings and recommendations, where appropriate.

(2) The initial investigatory report shall be sent to the OCC in a sealed envelope in the next transfer of orders.

c. In instances where it is necessary to relieve a sworn member as unfit for duty; in which the allegation of misconduct constitutes criminal activity; in which the member has been arrested; or in which the member is accused of other extremely serious misconduct, the senior - ranking on-duty officer shall contact the unit's commanding officer at any time day or night.

(1) The unit commanding officer shall assure that the proper investigative steps are being taken, and if required by the circumstances he shall respond to the unit and take personal charge of the investigation. Once notified, whether he responds or not, he shall be personally responsible for the conduct of the investigation.

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- d. In instances requiring an initial immediate investigation when the member complained of is assigned to another unit, the senior-ranking officer receiving the report shall:
 - (1) Prepare and forward a copy of SFPD/OCC 293 as specified above.
 - (2) Notify the senior officer on duty in the unit to which the member is assigned who shall become responsible for performing the other steps specified in paragraph I., B., 3., above.
 - (3) If the unit headquarters of the unit to which the member is assigned is not open for business at the time a complaint requiring an immediate investigation is made, the receiving senior-ranking officer shall notify the commanding officer of the appropriate unit immediately.
 - (a) The commanding officer of the member complained about will then become personally responsible for the initial investigation.
- e. The senior-ranking on-duty officer shall contact a member of the OCC to request an immediate investigation in addition to the initial investigation being made by line personnel.
- f. During normal business hours (Monday through Friday, from 0700 hours to 1800 hours) the senior-ranking officer shall contact a member of the OCC and request an immediate investigation, when required, by calling the OCC. At other times, he will obtain an on-call OCC investigator through the Operations Center.

C. In all cases where the complaint is made in person, the complaining party shall have an opportunity to review the narrative of the complaint, suggest appropriate changes and sign and obtain a photocopy of the complaint after the in-person interview whether the complaint is taken by an OCC investigator or a Police Department member.

- 1. If the complaint is not made in person, a copy shall be sent to the complainant after it is received and completed by the OCC staff.

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- D. In all cases, the member completing SFPD/OCC 293 shall prepare and send a completed copy of the form in a sealed envelope to the OCC in the next transfer of orders.
- E. In addition, a sealed copy of the complaint shall be forwarded to the Commanding Officer of the unit receiving the complaint. The Commanding Officer shall retain the sealed envelope in his custody until the next Friday following the receipt of the complaint.
 - 1. Each Friday a member of the OCC will respond to pick up these copies from the various units within the Department.
 - 2. This system will function as a check to ensure that OCC has received all complaints and to assist them in maintaining accurate statistical records.
- F. A Citizen Complaint Form shall not be completed when the complaint is by one member against another member, or when the complaint is by another police or government agency. In such a case, officers shall instead complete a memorandum to their commanding officer explaining the nature of the complaint.

III. HEARINGS

Hearings are conducted according to OCC Hearing Rules adopted by the Police Commission.

IV. SCHEDULING INTERVIEWS

- A. Members shall appear for scheduled OCC interviews unless the appointment has been rescheduled by OCC prior to the date of the interview. An unexcused failure to appear for a scheduled OCC interview may result in disciplinary action.
- B. Requests for the rescheduling of interviews shall be made by submitting a memorandum through channels to OCC stating the specific reason for requesting another time and date prior to the interview. Refusal to reschedule the interview by OCC will be in writing stating the cause, and shall be approved by the Director of OCC or his designee. Rescheduling may be accomplished by telephone if agreeable to both parties.

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1. Requests to reschedule an interview with OCC shall be made at least 24 hours in advance, unless another time frame is mutually agreeable to both parties.

- C. While OCC interviews normally occur between the hours of 0700 and 1800, OCC investigators shall make every effort to schedule interviews taking into account the member's regularly scheduled work hours, proximity, and staffing requirements of the member's assignment.

V. FAILURE TO APPEAR FOR THE SCHEDULED INTERVIEW

- A. A "Failure to Appear" notification shall be routed through the appropriate bureau deputy chief to the member's commanding officer and shall provide the following information:

1. Name of the member.
2. Date and time of the missed interview.
3. Instructions to contact OCC to reschedule the interview.
4. A request for a memorandum from the member who failed to appear explaining the failure to appear.
5. Notice to the member that failure to appear as scheduled may result in disciplinary action.

VI. RESPONSIBILITIES OF THE OFFICER IN CHARGE

- A. Upon receipt of the "Failure to Appear" notification, the officer-in-charge shall immediately contact the member if he/she is working or as soon as the member reports to work. The named member shall then be provided with the information contained in the notification and a copy of the document if requested by the member.
- B. The officer-in-charge shall sign the memorandum prepared by the member explaining the failure to appear and forward that memorandum through channels to the Chief of Police within the prescribed time specified on the "Failure to Appear" notification. A copy shall be forwarded to OCC.
- C. When a member is required to respond to OCC, the officer-in-charge shall arrange the member's duties to permit the member to attend during the member's regular tour of duty and OCC's normal interview hours (0700 to 1800 Hours).

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VII. OCC INVESTIGATIONS

- A. DIRECTED INVESTIGATIONS - All complaints against sworn members are subject to Directed Investigations. Directed investigation consists of the collection and review of basic case-related material. It is guided by senior investigative and administrative staff who may request such additional information as necessary to determine what, if any, additional actions are needed. A case will be closed with no further action when the Directed Investigation clearly discloses one of the following:
1. The available evidence is insufficient to prove or disprove the allegation(s) made in the complaint. The complaint is forwarded to the commanding officer. (Refer to General Order P-14, Performance Improvement Program (PIP)).
 2. The evidence proves that the acts alleged in the complaint did not occur or that the named member was not involved. The complaint is forwarded to the commanding officer for information purposes only.
 3. The evidence proves the acts which provided the basis for the allegation(s) were in fact justified, lawful and proper. The complaint is forwarded to the commanding officer for information purposes only.
- B. DETAILED INVESTIGATIONS - When a directed investigation indicates that there is sufficient evidence to proceed, the case will be assigned to OCC investigators for an investigation in detail. The conduct and content of detailed investigations are determined by the investigators assigned to them, subject to the review and recommendation of senior investigative and administrative staff prior to the issuance of a final investigative report and statement of findings.

VIII. FINDINGS OF INVESTIGATIONS

- A. All directed and detailed investigations shall include a finding for each allegation stated in a complaint. Each allegation stated in a complaint shall receive one of the finding defined in Section VIII., B., below. A finding of "Sustained" will be recommended only after the completion of a detailed investigation.
- B. Types and definitions of OCC findings are as follows:

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1. Sustained - A preponderance of the evidence proves that the conduct complained of did occur and that, using as a standard the applicable regulations of the Department, the conduct was improper.
2. Not sustained - The investigation fails to disclose sufficient evidence to prove the allegation(s) made in the complaint or to disprove such allegation(s).
3. Proper Conduct - The evidence proves that the acts which provided the basis for the allegation(s) occurred; however, such acts were justified, lawful, and proper.
4. Policy Failure - The evidence proves that the act by the member was justified by Departmental policy, procedure and regulation; however, OCC recommends a change or changes in that policy, procedure and regulations.
5. Supervision Failure - The evidence proves that the actions complained of were the results of inadequate supervision when viewed in light of applicable law, training, and departmental policy and procedure.
6. Training Failure - The evidence proves that the actions complained of were the results of inadequate training, inappropriate training and/or absence of training when viewed in light of departmental policy and procedure.
7. Unfounded - The evidence proves that the acts alleged in the complaint did not occur, or that the named member was not involved in the acts alleged in the complaint.
8. Information Only - The evidence proves that the actions complained of did not involve a sworn member of the Department, or that the actions described were so obviously imaginary that their occurrence is not admissible by any competent authority. "Information Only" allegations are not counted as complaints against sworn members of the Department. Complaints against non-sworn employees of the Department or employees of other agencies are referred to the appropriate agency or agencies.

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IX. CITIZEN AND MEMBER NOTIFICATION AND REVIEW

- A. Upon completion of each detailed investigation, the OCC Director or designee shall insure that every named officer and complainant receive the following:
1. A letter containing the recommended disposition of the complaint.
 2. Instructions for requesting a hearing.

X. STATISTICS AND RECOMMENDATIONS

- A. As directed by the Police Commission, the OCC compiles and publishes monthly summaries and quarterly reports of complaint statistics.
- B. These summaries and reports include, but are not limited to, the disposition by the Chief of Police of complaints and allegations referred to the Chief of Police by the OCC Director.
- C. As directed by the Police Commission, the OCC prepares and publishes quarterly recommendations concerning policies and practices of the Department.

By order of:


FRANK M. JORDAN
Chief of Police



Police Commission for the City and County of San Francisco OFFICE OF CITIZEN COMPLAINTS

The Professional Standards Agency for the San Francisco Police Department



~CITIZEN COMPLAINT FORM~

INSTRUCTIONS FOR COMPLETION OF THE CITIZEN COMPLAINT FORM:

Please answer questions in blocks 2, 3, 4, 5, 6, 8, 9, 10, 11, 15, 17, 20, 21, & 22. Leave all other blocks blank unless you know the information requested. Please **print** all information in **English**. If you do not have a telephone number, enter a message number or the number of a neighbor, friend or relative in block 4. If witnesses are available, write their names, addresses and telephone numbers on a separate sheet of paper and attach it to your complaint. Do not write them on the complaint form. If you do not know the officers name or badge number, include a complete physical description in the narrative (22). **Print** your narrative. Explain what happened from beginning to end. Be specific as to the nature of your complaint against each officer. Include who, what, where, when and why. If you need additional space, use separate sheets of paper and attach them to the complaint. **YOUR STATEMENT MUST BE A TRUE AND ACCURATE ACCOUNT OF THE INCIDENT** to the best of your knowledge and belief, and must be signed by you in block 25. If you have questions or need help, please call the OCC at 415-553-1407 between 8:00 a.m. and 5:00 p.m., or leave a message with our answering service after 5:00 p.m. You may also contact your local neighborhood center for help. Interpreters can be provided at no charge.

填寫公民投訴書說明：

請回答第 2, 3, 4, 5, 6, 8, 9, 10, 11, 15, 17, 20, 21 及 22 項問題。除非您知道我們所要求的資料，否則請將其他各項留空。所有資料，務請以正楷填寫清楚。如果您沒有電話號碼，請在第 4 項填上有可能聯絡您的電話號碼，或鄰居、親戚、朋友的號碼。如果有證人，請用另一張紙寫上他們的姓名，地址及電話，和投訴書夾在一起；切勿寫在投訴書上。如果你不知道涉及事件的警務人員姓名或編號，請將該員的身體特徵，以正楷詳盡寫在第 22 項上。請清楚說明事件的過程，及投訴的類別，包括涉及何人、何事、何處、何時及何由。如您認為投訴書不夠您填寫，可以另紙填寫資料，夾在投訴書上。您應根據您所知道及所相信的事實填寫資料，**必須真實及正確**；填妥請在第 26 項簽名。如有疑問或需要幫助，請在上午八時至下午五時，致電 415-553-1407「公民投訴組」，或在下午五時後，在該組的電話錄音機上留言。您亦可以與有免費翻譯員服務的「華埠建民中心」求助，電話 415-391-5099。

INSTRUCCIONES PARA LLENAR EL FORMULARIO DE QUEJAS DE LOS CIUDADANOS: Por favor conteste las preguntas de las casillas 2, 3, 4, 5, 6, 8, 9, 10, 11, 15, 17, 20, 21, & 22. Deje sin contestar las demas preguntas a menos que sepa la información solicitada. El formulario debe ser contestado en **Ingles**. Si usted no tiene telefono escriba en la casilla 4 el número de un servicio de mensajes, o el de un vecino, amigo o pariente. Escriba en una hoja separada los nombres, direcciones y telefonos de los testigos (si los hay), y adjunte ésta información al formulario. En caso de que no conozca el nombre o número de insignia de los oficiales, incluya una descripción fisica completa (22). Describa los hechos en forma completa, sea especifico. Incluya quien, que, donde, cuando y porque. Su declaración debe ser un recuento exacto y verdadero del incidente y debe estar firmada por usted (25). Para pedir información o solicitar ayuda visite nuestras oficinas locales o llamenos al numero 415-553-1407, de 8:00 AM - 5:00 PM. El servicio de interpretacion es gratis. Formularios tambien pueden ser obtenidos en La Raza Information Center--415-826-5885.

PARAAN NE PAGSASGOT SA PORMANG ITO (CITIZEN COMPLAINT o REKLAMO NE MAMAMAYAN)

Mangyaring sagutin ang mga tanong sa blokeng 2, 3, 4, 5, 6, 8, 9, 10, 11, 15, 17, 20, 21, at 22. Kung wala kayo ng impormasyon hinihingi dito, paki-iwanan blanko ang blokeng hindi masagot. **Paki-Ilimbag ang lahat na sagot ninyo.** Kung wala kayong telepono, paki-sulat lang ang inyong "message number", o ang numero ng inyong kapit-bahay, kaibigan, o kamaganak. Kung mayroon kayong mga saksi o testigo, isulat sa ibang papel ang kanilang mga pangalan, mga tirahan, at mga telepono at ikabit ito sa reklamo ninyo. Huwag gagamitin ang pormang ito. Kung hindi ninyo alam ang pangalan ng pulis o ang numero ng kanyang tsapa, isama sa inyong salaysay ang hitsura at pagmumukha ng pulis. Ilimbag ang inyong salaysay. Liwanagin lahat ang nangyari magmula sa umpisa hanggang sa katapusan. Tiyakin o siguraduhin ang inyong sinusumbong o renireklamo. Sabihin o ilarawan kung sino, ano, saan, kailan at bakit sa pangyayari. Kung kulang ang pagsusulat dito gumamit ng ibang papel at ikabit ito sa sumbong ninyo. Sa inyong kaalaman at paniniwala, ang inilahad ninyong nangyari ay dapat lubos na katotohanan at walang kamali-mali at kailangan ninyong pirmahan ang sumbong ito sa blokeng bilang 25. Itanong sa amin kung alinman dito ang hindi maliwanag sa inyo. Kung kailangan ninyo ng tulong, paki-tawagan kami, OCC, telepono 415-553-1407. Maaring tawagan din ninyo ang Dimasalang House sa telepono 415-495-5007 sa pagitan ng alas--otso ng umaga at alas--singko ng hapon o mag-iwan ng pahatid o "message" sa aming "answering service" paglampas dng alas--singko ng hapon.

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

1 Day, Date & Time Complaint Received

--	--	--	--	--	--	--	--

Complaint Against: Personnel ☐ Policy ☐ Procedure ☐

How Received: Person ☐ Phone ☐ Letter ☐ SFPD ☐ Mail-In ☐ Other ☐ : (specify) _____

2 Primary Complainant:

Last Name First Name Middle Initial

HOME ADDRESS: _____
Street Apartment

City _____ State _____ Zip _____

WORK ADDRESS: _____
Street Apartment

City _____ State _____ Zip _____

3 Personal Information

Age: _____ Date of Birth: _____

Sex: _____

Ethnicity: _____

Occupation: _____

4 Telephone Numbers:

Home: ()

Work: ()

5 Location of Occurrence:

6 Type of Place

District

8 Day, Date, & Time Of Occurrence:

A.M. / P.M.
(Circle one)

9 Incident Report or Citation No

10 SECONDARY COMPLAINANT? Yes ☐ No ☐ Witnesses? Yes ☐ No ☐ (If "Yes", attach separate sheet of paper.)
Taped Interview? Yes ☐ No ☐ Criminal Case Pending in Relation to this matter? Yes ☐ No ☐

11 Injuries Claimed? Yes ☐ No ☐ Injuries Visible? Yes ☐ No ☐ Drug/Alcohol Related? Yes ☐ No ☐

Photos Taken? Yes ☐ No ☐ By: Photo Lab ☐ O.C.C. ☐ Other: _____

Type of Injury:

Medical Release Signed? Yes ☐ No ☐

12	13	14	15	16	17	18	19	20	21
Activity	Type	DISP.	Uniform	Rank	Member's Name & Star Number	Unit	Svc	Sex	Eth

[illegible]

22

NARRATIVE OF INCIDENT: COMPLAINANT IS REQUESTING AN
INVESTIGATION AND/OR HEARING INTO
THE STATED ALLEGATIONS OF POLICE
MISCONDUCT.

23

CASE DISPOSITION AND COMMENTS:
(For O.C.C. use only!)

24

ASSIGNED TO: DATE:

25

I verify that the above statement is true and
correct to the best of my knowledge and belief.

X

Complainant's Signature

Taken By:

Name

Title/Star #

Station

After you have completed this form, return it to the Office of Citizen Complaints by folding it along the lines below so that the address shows on the outside. Drop in any mailbox. NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES.

在您填妥本投訴書後，請沿摺線摺妥（地址在外），投入郵箱，寄回「公民投訴組」。在美國境內寄出，不需郵費。

Despues de completar la forma, doblela sobre las lineas marcadas y depositela en el buzón. No necesita estampilla (sello postal).

Matapos buuin ang pormang ito, tiklupin sa mga linyang nakatatak sa baba upang makita sa labas ang aming "address". Ihulog sa anumang buson o "mailbox". Hindi kailangan ng selyo kung ipadadala lang sa loob ng America.

OFFICES LOCATED AT:
Room 565, Hall of Justice
850 Bryant Street
(between 6th & 7th Streets)
San Francisco, California 94103



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL

FIRST CLASS MAIL PERMIT NO. 22978 SAN FRANCISCO, CA

POSTAGE WILL BE PAID BY ADDRESSEE

City and County of San Francisco
OFFICE OF CITIZEN COMPLAINTS
400 Van Ness Avenue, Room 67-A
San Francisco, California 94102-9946



RESPONSE FROM THE DIRECTOR
OF THE OFFICE
OF CITIZEN COMPLAINTS



OFFICE OF
THE POLICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103

DR. DAVID J. SANCHEZ, JR., PRESIDENT
ALFRED J. NELDER, VICE-PRESIDENT
OWEN H. DAVIS, COMMISSIONER
LOUIS J. GIRAUDO, COMMISSIONER
DR. JUANITA OWENS, COMMISSIONER

May 8, 1987

LIEUTENANT WILLIE E. FRAZIER
SECRETARY

W/3337M

COMMENT AND RESPONSE
TO
DRAFT OF MANAGEMENT AUDIT
OF THE
OFFICE OF CITIZEN COMPLAINTS
BY THE
BUDGET ANALYST
OF THE
SAN FRANCISCO BOARD OF SUPERVISORS

The response by the Office of Citizen Complaints to the Management Audit by the Budget Analyst of May 1987 has been prepared and is transmitted herewith. This response was prepared by the Director of the OCC and his staff.

The Police Commission, to whom the OCC reports, is actively reviewing the operations of the OCC as well. Our goal for the OCC is to have more focused operations through quality investigations by an excellent staff with the appropriate budget.

We consider the response by the Director of the OCC as a view of today's operation. The Commission may have other views when our studies have been completed. The Commission appreciates your recommendations and will give them full consideration as well as those that may come from the Board of Supervisors.

A handwritten signature in cursive script, appearing to read "Owen H. Davis", is positioned above the printed name.

Owen H. Davis
Police Commissioner

OHD:fs

cc: Supervisor W. Kennedy
Director F. Schober, OCC

OFFICE OF CITIZEN COMPLAINTS

THE PROFESSIONAL STANDARDS AGENCY OF THE SAN FRANCISCO POLICE DEPARTMENT

COMMENT AND RESPONSE
TO
DRAFT OF MANAGEMENT AUDIT
OF THE
OFFICE OF CITIZEN COMPLAINTS
BY THE
BUDGET ANALYST
OF THE
SAN FRANCISCO BOARD OF SUPERVISORS



Frank J. Schober, Jr.
Director

555 SEVENTH STREET
ROOM 252
SAN FRANCISCO
CALIFORNIA 94103
(415) 553-1407

GENERAL COMMENTS ON THE AUDIT:

The management audit of the OCC conducted during the period March through May 1987, represents a thorough and detailed look at the functions, programs, personnel, problems and available resources of the office.

Any fair observer of the audit process conducted by Mr. Rose and his staff could not fail to be impressed by the thoroughness and professional conduct of the auditors. Plans, programs, budget, organizational structure, statistical programs and management information systems were looked at carefully and in detail. Each staff person of the OCC was interviewed in depth and the results of such interviews were carefully recorded and as carefully analyzed.

As a result of the now concluded audit, certain deficiencies were observed, several problems outlined and a number of questions posed. Some of the deficiencies noted, it should be stated, depend for their correction on factors outside the control of the OCC or of the Police Commission.

In every case where action is possible, the OCC, with the approval of the Police Commission, will take vigorous action to remedy deficiencies noted by the auditor. With respect to this, according to the records of the Auditor, the OCC has a workload nearly 600% greater than the Internal Affairs Division of the SFPD (its predecessor agency) working with 40% less budget.

This brief response to the report of the Auditor will outline the responses proposed by the Director of the OCC for approval of the Commission. Such responses will relate to the deficiencies as well as the recommendations made by the auditor.

I wish to compliment Mr. Harvey Rose of the Budget Analyst's Office and especially his assigned staff auditor, Ms. Jean Mariani. Their work, in this audit is an example of professionalism which will strengthen--and not weaken--the cause of civilian review of the police in our City and our Nation.

COMMENT ON "FOLLOW-UP", PAGE 1, PARAGRAPH 5: *Because of the move to 555-7th Street, there may be a change in volume of complaints received by the OCC.*

In point of fact, complaints directed to the OCC from all sources (walk-ins, write-ins, call-ins and via the several police stations) appear to be increasing.

We agree that a follow-up to this audit report by the Budget Analyst would be beneficial, not only in determining the effect on OCC operations of its recent relocation but also to determine the adequacy and efficiency of its response to problems indicated and deficiencies enumerated in this audit.

COMMENT ON "COMPLAINT INVESTIGATION", PAGE 7, PARAGRAPH 2: *Because of the small number of investigators relative to the number of complaints and active cases, timely completion of cases is a continuing problem. Of 113 active cases on March 19, 1987, 66 cases, or 58 percent, were over 90 days old. This conflicts with OCC's stated goal to complete detailed investigations within 90 days. Given the lack of staff, the OCC should consider establishing formal standards and guidelines for prioritizing complaint investigation.*

All complaints registered with the OCC are investigated. All complaints receive a preliminary "work-up". If there is sufficient evidence with which to proceed, an assigned investigator proceeds with a detailed effort to prove or disprove the allegations made by a complainant. All investigations proceed using the least rigorous standard of evidence, that of preponderance. The City Attorney has confirmed that the use of this standard of evidence is proper. This standard of evidence is required in the rules adopted for operation of the OCC by the Police Commission. As a matter of stated policy, known to all investigators, if a preponderance of evidence warrants the conclusion of "sustained", such will be determination of the case, whatever the gravity of the allegation made in the complaint.

Presently, as indicated in the audit report, the OCC gives highest priority for investigation to those cases with allegations of unnecessary force. We believe that this policy should continue. To list complaints as "minor" and to treat them with a lesser priority, may pose a public relations problem since no one who complains can be easily convinced that their complaint is "minor" or should be treated as such. An alternative is to treat as major, those complaints which have sufficient available or attainable evidence and which therefore merit timely attention and assignment of staff resources.

DIRECTOR'S RECOMMENDATION:

THAT THE DIRECTOR OF THE OCC PROVIDE THE POLICE COMMISSION WITH A STAFF STUDY ON THE SUBJECT OF PRIORTIZING COMPLAINTS WITH SPECIFIC RECOMMENDATIONS ON HOW THE OCC COULD ACCOMPLISH THIS AND STILL PROPERLY PERFORM ITS CHARTER MISSION OF INVESTIGATING ALL CITIZEN COMPLAINTS OF POLICE MISCONDUCT.

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COMMENT ON "REFERRING 'MINOR' COMPLAINTS TO THE POLICE DEPARTMENT FOR INVESTIGATION", PAGE 8, PARAGRAPH 1:

Referring complaints, whatever their gravity, to the Police Department for resolution, may be contrary to the Charter mandate establishing the OCC, as noticed elsewhere in the audit report. What *would* be useful, however, would be to require that the Police Department, through proper channels and under clearly written general orders, assist the OCC in its work, particularly in the early phases of its investigations. Quite often, certain essential elements of information are required for an investigation to proceed. Provision of such essential elements of information by the Police Department should not involve any diminution of OCC's authority and responsibility for conducting investigations. Any procedure should simply extend and make more efficient the ability of the OCC to conduct timely investigations of complaints.

DIRECTOR'S
RECOMMENDATION:

THAT THE DIRECTOR OF THE OCC PREPARE FOR THE REVIEW AND APPROVAL OF THE COMMISSION, AN AMENDMENT TO GENERAL ORDER L-1, WHICH WOULD REFINES, DEFINE, AND WHERE NECESSARY IMPROVE THE SYSTEM OF DEPARTMENTAL ASSISTANCE TO AND COOPERATION WITH OCC INVESTIGATIONS.

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COMMENT ON, "PROPOSED CHARTER AMENDMENT REGARDING THE BUDGET CAP",
PAGE 9, PARAGRAPH 2: *A second alternative is to amend the Charter-imposed budget limitation on the Office of Citizen Complaints in order to hire additional civilian investigative and support staff to adequately process complaints.*

This is essential if the office is to accomplish its charter mandate properly and efficiently. The Charter-imposed cap cuts office efficiency in two major ways, both of them bad. Because of the cap, the OCC is precluded from hiring additional temporary staff as dictated by the extent of its huge workload. Also because of the cap, the OCC, in order to pay legally mandated step increases for its employees, is required to re-direct funds annually from non-personnel areas to personnel areas simply to stay in business. Of further noteworthy attention is the fact that when the function of citizen complaints was under the department, the department could shift clerical and investigative staff from other functions, continuing to budget for them under their original job titles, but using them for complaint investigations. The cost of doing business this way was very real and easily

calculable but no such cost figures supported the calculation of "all costs" as defined by the Charter amendment section which outlined the cap on OCC expenditures.

DIRECTOR'S
RECOMMENDATION:

THAT THE DIRECTOR DEVELOP FOR THE COMMISSION'S REVIEW, A PROPOSED CHARTER AMENDMENT ELIMINATING THE CAP ON THE OCC BUDGET.

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COMMENT ON "STAFF STRUCTURE AND PROCEDURES", PAGE 13: *The Office of Citizen Complaints should reorganize its staff to improve coordination and accountability in accordance with the proposed organizational structure. . .*

It is true that the staff members of the OCC are required to perform several different jobs. This is due to the fact that the OCC is only staffed to perform investigations (and sparsely at that as noted in the audit report) but must also function as an agency separate from the sworn element of the Police Department. Budgeting, community outreach, policy development and implementation, as well as development of procedures and the Charter mandated hearings process, are all essential tasks that investigators must assist with if they are to be done. No newsletter has been published in seven (7) months. None is contemplated due to staff shortages. Community outreach must be performed since it is a mandate of the Commission.

We accept the conclusion that the OCC can be better organized to perform its work. We recommend that the Director of the OCC provide for the Commission's review and approval, a revised organization for investigations. A team system has been under consideration by the OCC for some time. A team system has the merits outlined by the audit report (p. 11). It remains to be seen, however, given the limited "depth on the bench" of the OCC investigative staff, whether re-organization will achieve more than marginal gains absent a major increase in staffing.

DIRECTOR'S
RECOMMENDATION:

THAT THE OCC DEVELOP FOR COMMISSION REVIEW AND APPROVAL, A REVISED AND RE-ORGANIZED INVESTIGATIVE STAFF TEAM.

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COMMENT ON "ADMINISTRATIVE SUPPORT STAFF", PAGE 13: *The proposed funding for "Special Resource People" should be used instead for either as-needed temporary staff or for a new permanent Account Clerk position.*

We strongly support the recommendations of the audit report for a person that would be hired to provide budgeting, purchasing, contract supervision and personnel administration functions of the office. One of the major, non-forecast, job requirements of the OCC is administrative support of the hearing process which consumes a great deal of time and effort for which there is no budgeted staff. With the contemplated increase in hearings, these administrative requirements will grow. The requirements listed above, for budgeting, contract supervision, etc., may not grow in the out-years, but they will continue. Providing support for the hearing process and the budgeting, contracting, personnel, etc., process are not either/or propositions. Both must be accomplished.

DIRECTOR'S
RECOMMENDATION:

THAT THESE FUNCTIONS BE PROPERLY SUPPORTED WITH A CHANGE TO THE BUDGET DOCUMENT TO BE APPROVED BY THE POLICE COMMISSION AND BY THE BOARD OF SUPERVISORS.

#

COMMENT ON, "FILES MAINTAINED BY THE OCC". PAGE 16:

The report properly noted that the OCC has been steadily improving its file management system.

One main mission of the recently established Complaint Review Committee of the OCC is to monitor the timely, proper and adequate completion of case files originally composed by investigators.

A "history sheet" on which the chronology of events relating to the file is noted has already been established. (See Attachment "A".)

Copies of all correspondence relating to the file are required inclusions in all case files.

We do agree that all material germane to the file and the case it represents, be included in the file. Investigator's notes which may refer to initial conclusions, not supported by later evidence or testimony are distinctly not valuable items to be included in case files. In one recent incident, an investigator's handwritten note, written early in the work-up of a case was mistakenly included in a final work product. In the opinion of the City Attorney, such early work products of investigators are not documents under the legal definitions of documents which must be preserved by the OCC and may properly be destroyed.

DIRECTOR'S
RECOMMENDATION:

WE RECOMMEND THAT THE DIRECTOR OF THE OCC PROVIDE TO THE POLICE COMMISSION WITHIN THE NEXT QUARTER A REPORT INDICATING THE FOLLOWING:

1. THE STATUS OF USE OF "HISTORY SHEETS" IN ALL CASE FILES;
2. A REPORT ON THE INCLUSION OF ALL APPROPRIATE AND REQUIRED CORRESPONDENCE RELATED TO A FILE IN FILES OF THE OCC;
3. THE DEVELOPMENT OF A STANDARD FILE-INDEX SYSTEM TO BE INCLUDED IN STANDARD OPERATING PROCEDURES AND TO BE A PART OF EACH CASE FILES. SUCH AN INDEX SYSTEM WOULD SERVE BOTH AS A CHECKLIST FOR FILE MAINTENANCE OF REQUIRED ITEMS AND A METHOD TO ASSIST INSPECTION OF FILES FOR COMPLETENESS;
4. THE REPORT OF ADVICE FROM THE CITY ATTORNEY'S OFFICE WITH RESPECT TO THE INCLUSION OF INVESTIGATOR WORKING FILES AND NOTES IN THE OFFICIAL CASE FILES OF THE OCC;
5. A WRITTEN SYSTEM OF FILE REVIEW TO INSURE PROPER DATING, CASE FOLDER MAINTENANCE, AND THE USE OF PROPER RELEASE FORMS THAT ARE SIGNED AND WITNESSED, AS REQUIRED.

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COMMENT ON, "ADVICE OF RIGHT TO REQUEST A HEARING, INFORMATION ON FINDINGS TO COMPLAINANTS, AND COMPLAINANT INVESTIGATION PROCEDURES", PAGE 19:

For the past month and a half, all complainants receive a copy of their complaint on which is stamped the following:

"Complainant is requesting an investigation and/or hearing into the stated allegations of police misconduct."

In addition, a copy of the OCC brochure is mailed to all complainants, detailing the hearing procedure.

Further, all letters mailed to complainants providing information on the results of OCC investigations have been revised to clearly indicate the procedure for requesting a hearing. (See Attachment "B".)


In addition, the OCC has developed, for approval of the Commission, a stamped, return address postcard on which complainants may request a hearing in their cases. (See Attachment "C".)

DIRECTOR'S
RECOMMENDATION:

THAT THE DIRECTOR OF THE OCC CONTINUE THE HEARINGS NOTIFICATION PROCESS NOW IN BEING AND THAT THE COMMISSION APPROVE THE PROPOSED POSTCARD WHICH IS INCLUDED AS ATTACHMENT "D".

FURTHER, REQUEST THAT THE COMMISSION REQUIRE THAT THE OCC DIRECTOR PREPARE A REQUEST FOR OPINION FROM THE CITY ATTORNEY ON THE PROPER ACCESS AND USE OF RECORDS RELATING TO CITIZENS AND OFFICERS IN THE COURSE OF ITS INVESTIGATIONS.

PREPARED AND SUBMITTED ON THIS 7TH DAY OF MAY, 1987.


FRANK J. SCHOBBER, JR.
DIRECTOR
OFFICE OF CITIZEN COMPLAINTS

[illegible]

OFFICE OF CITIZEN COMPLAINTS

THE PROFESSIONAL STANDARDS AGENCY OF THE SAN FRANCISCO POLICE DEPARTMENT



Frank J. Schober, Jr.

Director

555 SEVENTH STREET
ROOM 252
SAN FRANCISCO
CALIFORNIA 94103
(415) 553-1407

date

name and address

Re: O.C.C. File Number O-0000-87

Dear :

I have reviewed the findings of the investigation of your complaint in which you allege that (insert allegations), which was filed with us on (insert date).

Based on the evidence you gave us and upon that which we were able to gather ourselves, we were not able to proceed with the case against the officer. I therefore regret to inform you that we must file the complaint as "NOT SUSTAINED".

We want you to know that we are not saying that the event which you described to us did not happen--we are just not able to prove that it happened.

Please be assured, although we may have registered your complaint as "NOT SUSTAINED", that you may have helped us in another very important way. If additional complaints are received which detail the same or similar behavior by the officer, the Department may be able to identify patterns of behavior which will require that the officer be counseled or re-trained. Using pattern evidence, the OCC may be able to sustain future complaints made against the officers which allege the same behavior.

If you are not satisfied with these findings, you are encouraged to request a hearing into your allegations. A hearing will be granted as long as it is mailed no later than (insert date 10 days hence) and it can be shown that to do so would facilitate, or advance, the fact-finding process.

Your complaint will be kept in our records for a five (5) year period from the date you filed it. If in the near future, you are able to present us with additional, relevant evidence, please contact us immediately.

Sincerely,

DANIEL J. SILVA
Executive Officer
FOR THE DIRECTOR

*NOT SUSTAINED: The investigation fails to disclose sufficient evidence to prove the allegation(s) made in the complaint or to disprove such allegation(s).

Dear O.C.C. Director:

I have received the results of the complaint I filed with the O.C.C. It is my intention to request that the O.C.C. conduct a hearing into my complaint for the following reason(s):

☐ I disagree with the O.C.C.'s findings.

☐ I have additional evidence which was not available to the OCC during the investigation of my complaint.

☐ Other _____

Signature

Print Name

Date

Case Number

U.C. BERKELEY LIBRARIES



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